IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO.1256 OF 2005

Faiyaz Roshanali Makani & Anr. ....Petitioners

Versus

Brihanmumbai Mahanagarpalika & Ors. ....Respondents

Mr.A. H. Namavati for the Petitioners.
Ms.Priti Purandare for Respondent No.1.
Mr.B. M. Shroff, A. G. P. for Respondent No.3.

CORAM : DALVEER BHANDARI, C.J. &
S.J. VAZIFDAR, J.
DATE : 27TH JUNE, 2005.

P.C. :

The Petitioners are aggrieved by a notice under Section 55 of the Maharashtra Regional & Town Planning Act, 1966. It is stated by the learned counsel appearing for the Petitioners that the reply to the notice has been already filed. The learned counsel appearing for Respondent No.1 submits that the reply filed by the Petitioners would be taken into consideration and the concerned Assistant

Commissioner, “A” Ward after affording hearing to the Petitioners, would pass a reasoned order.

2. To avoid any delay in the matter, the learned counsel appearing for the Petitioners undertakes to appear before the Assistant Commissioner, “A” Ward on 4th July, 2005 and they would decide the matter by a reasoned order within four weeks from the date of appearance of the Petitioners before the Assistant Commissioner, “A” Ward. Until the matter is decided by the Assistant Commissioner, “A” Ward, the Corporation shall not demolish the so called unauthorised structure of the Petitioners. If an adverse order is passed against the Petitioners, the same would not be given effect for a period of two weeks thereafter. No further directions are necessary and this Petition is accordingly disposed of.

CHIEF JUSTICE

S.J. VAZIFDAR, J.